

## **REMARKS / DISCUSSION OF ISSUES**

Claims 1-10 are presented for further examination. Unless indicated otherwise, claims are amended to eliminate European-style phraseology. For example, claims are amended to remove reference characters required in European practice.

### **Rejections under 35 U.S.C. § 102**

Claims 1-10 were rejected under 35 U.S.C. § 102(b) in view of *Kawano, et al.* (US Patent 6,404,131).

Claims 1-3, 5 and 6 were rejected under 35 U.S.C. § 102(b) in view of *Greiner*. (US PAP 2002/0097578).

A proper rejection of a claim under 35 U.S.C. § 102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983). Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. *See, e.g., In re Paulsen*, 30 F.3d 1475, 31 USPQ2d 1671 (Fed. Cir. 1994); *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990). Alternatively, anticipation requires that each and every element of the claimed invention be embodied in a single prior art device or practice. *See, e.g., Minnesota Min. & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992). For anticipation, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *See, e.g., Scripps Clinic & Res. Found. v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991).

Claim 1 recites:

*A luminous body comprising:*

*a housing with a light emission surface and a plurality of light sources arranged in the housing, wherein the housing comprises: at least a first optical medium with a first optical scattering power, into which medium the light of the light sources is coupled; and*

*a plurality of second optical medium elements with a second optical scattering power disposed in the housing, wherein each of the second optical medium elements is disposed over a respective one of the light sources, and the light propagating in each of the second optical medium elements is at least substantially coupled thereinto from the first optical medium, and wherein the scattering power of at least one of the media is selected to influence the flow of light in the housing such that a predefinable brightness distribution of the light over the light emission surface is achieved.*

Applicants respectfully submit that the applied art fails to disclose at least the emphasized feature of claim 1. To wit, the Office Action relies on the light diffusing agent 12 disclosed in *Kawano, et al.* for the alleged disclosure of a second optical medium. However, this is a distributed single element, and not a plurality of elements, each disposed over a respective light source. To illustrate the difference, a review of Fig. 1 of the filed application reveals a plurality of elements 5, each disposed over a respective one of the light sources 2. By contrast, as shown in the representative drawing on the first page of *Kawano, et al.*, the material 12 is a single distributed material.

Moreover, the Office Action relies on light extraction elements 3 in *Greiner*, which are disposed over and not in the housing.

Thus, and for at least the reasons set forth above, Applicants respectfully submit that each reference applied in the rejections for anticipation fails to disclose at least one feature of claim 1. As such prima facie cases of anticipation cannot be made and claim 1 is patentable over the applied art. Furthermore, claims 2-10, which depend variously from claim 1, are patentable for at least the same reasons and in view of their additionally recited subject matter.

### **Rejections under 35 U.S.C. § 103**

The rejections under this section of the Code have been considered. While Applicants in now way concede their propriety, because all claims so rejected are dependent on claim 1, these claims are patentable for at least the same reasons and in view of their additionally recited subject matter.

**Conclusion**

In view of the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies to charge payment or credit any overpayment to Deposit Account Number 50-0238 for any additional fees, including, but not limited to, the fees under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted on behalf of:  
Phillips Electronics North America Corp.

/s/William S. Francos/

by: William S. Francos (Reg. No. 38,456)

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